

1 FOUNDRY NETWORKS, INC,

2 No. C02-4909 CRB (JCS)

3 Plaintiff(s),

4 v.

5 NORTEL NETWORKS, INC,

6 Defendant(s).

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**ORDER GRANTING IN PART, DENYING  
IN PART DEFENDANTS' MOTION TO  
COMPEL ADDITIONAL DAY OF  
DEPOSITION OF DR. WICKER [Docket  
No. 177]**

On July 30, 2004, Defendants' filed a Motion to Compel An Additional Day of Deposition of Dr. Wicker, That An Attorney for the Defendants Be Allowed To Take the Second Day Even if That Attorney Didn't Take The First Day, and For Sanctions (the "Motion").

On August 10, 2004, a telephonic hearing on the Motion was held. Deborah Bailey-Wells, and Fabio Mario, counsel for Plaintiff, appeared. Richard Lehrer, and Bill Belanger, counsel for Defendant, appeared.

IT IS HEREBY ORDERED that the Motion is GRANTED to the extent that a second day of Dr. Wicker's deposition may be taken by another Nortel attorney. The parties shall arrange for Dr. Wicker's deposition to be taken immediately. The Motion is DENIED as to the request for sanctions.

IT IS SO ORDERED.

Dated: August 12, 2004

/s/ Joseph C. Spero  
JOSEPH C. SPERO  
United States Magistrate Judge